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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,909	03/29/2001	Masasuke Kawasaki	DSGN:002USMTG	7531

7590 06/09/2004

FULBRIGHT & JAWORSKI L.L.P.  
A REGISTERED LIMITED LIABILITY PARTNERSHIP  
600 CONGRESS AVENUE, SUITE 2400  
AUSTIN, TX 78701

EXAMINER

SINGH, SUNIL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/823,909

Applicant(s)

KAWASAKI, MASASUKE

Examiner

Sunil Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20,22,23,40-51,54-71 and 82-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,22,23,40-51,54-71 and 82-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5-9, 11-14, 17-20, 40-41, 43-51, 54-58, 61-66, 69-71, 82-84 are rejected under 35 U.S.C. 102(b) as being anticipated by British document (GB 2175257).

British document a system useful in stabilizing a vessel, the vessel including a first leg (2), a second leg, a third leg (see page 1 line 15+), and a platform (1) coupled to the first, second, and third legs such that the platform may be raised or lowered along the first, second and third legs, the system comprising: a first brace (8,9,20,25) coupled to the first leg at a first location along the first brace, the first brace forming an acute angle with the first leg; and an anchoring structure (10,11,12,21,22, 24,26,27) coupled to the first brace at a second location along the first brace, the first and second locations along the first brace defining a first brace length between them; wherein at least a portion of the first brace length is located directly beneath the platform.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257 in view of McGehee '815.

British document '257 discloses the invention substantially as claimed. However, British document '257 lacks a leg with a pivotal lower end. McGehee teaches a leg with a pivotal lower end (see Fig. 6). It would have been considered obvious to one of ordinary skill in the art to modify British document '257 by making his lower end of his legs pivotable as taught by McGehee in order to be able to place the system on an unlevel seabed.

5. Claims 4, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257 in view of Thomas '798 or Hansen (US 4063426) or Hornsby et al. (US 2892314).

British document '257 discloses the invention substantially as claimed. However, British document '257 lacks protrusions on his footings. Thomas, Hansen and Hornsby et al. all teach protrusions of footings (see Figs. 1, 8, 4 respectively). It would have been considered obvious to one of ordinary skill in the art to modify British document '257 by making his footings have protrusions as taught by either Thomas or Hansen or Hornsby et al. in order to more efficiently anchor they system.

6. Claims 10, 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257 in view of Kiyomiya et al. (US 5385432).

British document '257 discloses the invention substantially as claimed. However, British document '257 is silent about his brace being rigid. Kiyomiya et al. teaches a rigid

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brace (3). It would have been considered obvious to one of ordinary skill in the art to modify British document '257 by making his brace rigid as taught by Kiyomiya et al. in order to be able to more effectively resist lateral forces.

7. Claims 15-16, 22-23, 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257.

British document '257 discloses the invention substantially as claimed. However, British document '257 is silent about including a third brace attached to the first leg. It would have been considered obvious to one of ordinary skill in the art to modify British document '257 by including a third brace attached to his first leg since it has been held that the mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

With regards to claims 59-60, British document discloses winch drive means (22,23,24) and pinion driven means (4,7) and holding rack means (5,6). However, British document '257 is silent about synchronizing the winch and pinion drive means. It would have been considered obvious to one of ordinary skill in the art to modify British document '257 by synchronizing the pinion and winch drive means in order to maintain constant tension on the brace means will raising and lowering the platform.

### ***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

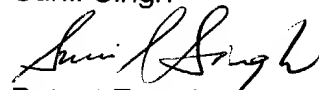
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sunil Singh



Patent Examiner  
Art Unit 3673

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5/28/2004